

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION**

DERRICK “DEWAYNE” MOSS

PLAINTIFF

v.

No. 2:19-cv-152-DPM

**SCOTTIE WHITCOMB, Individually and
in his Official Capacity; DERRICK TIMES,
Individually and in his Official Capacity; and
THE CITY OF CLARENDON**

DEFENDANTS

ORDER

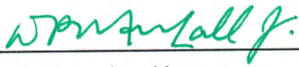
In December 2020, the Clarendon defendants requested a stay of this case until Whitcomb’s and Times’s criminal prosecutions in state court concluded. The Court granted the motion in part because Moss would not have been able to take effective discovery from the police officers while the criminal charges against them were pending. The officers indicated that they would not waive their privilege against self-incrimination. *Doc. 18 at 4.* The criminal cases have ended, and the Court has lifted the stay. Moss now moves to amend his complaint to add claims against Laura Rash and David Stinson. He says new facts about Rash’s and Stinson’s failure to train and supervise the officers have recently come to light. The Clarendon defendants say Moss and his counsel knew about the facts alleged in the proposed amended complaint well in advance of the Court’s deadline to amend the pleadings. Good cause supports Moss’s late motion. *Sherman v. Winco*

Fireworks, Inc., 532 F.3d 709, 716 (8th Cir. 2008). Regardless of its age, this case is still in its early stages. The parties have conducted only limited written discovery to date, and the current discovery cutoff isn't until 16 December 2022. Moss promptly moved to amend his complaint after the stay was lifted. In the circumstances, Moss has demonstrated the diligence the law requires.

* * *

Moss's motion, *Doc. 28*, is granted. He must file the amended complaint within seven days of this Order.

So Ordered.



D.P. Marshall Jr.
United States District Judge

